

OFFICE OF CITIZEN COMPLAINTS - USE BLACK INK ONLY!

(1) Day, Date & Time Complaint Received [H][H][H][H][H][H] 134-15

Wednesday, March 11, 2015

Complaint Against: Personnel ☒ Policy ☐ Procedure ☐

How Received: Person ☒ Phone ☐ Letter ☐ SFPD ☐ Mail-In ☐

Other ☐ : (specify) _____

(2) Primary Complainant: () Co-Complainant

Last Name First Name Middle Initial

HOME ADDRESS:

Street Apartment

City State Zip

WORK ADDRESS:

Street Apartment

City State Zip

(3) Personal Information

Age:

Date of Birth:

Sex:

Ethnicity:

(4) Telephone Numbers

Home: ()

Work: ()

(5) Location of Occurrence:

Street and sidewalk in front of
2857 Folsom Street SF. CA 94110

(6) Type of Place

public street

(7) District

D

(8) Day, Date, & Time of Occurrence: A.M./P.M. (Circle one) February 26²⁶, 2015 9:46 p.m.

(9) Incident Report or Citation

No. 150 ~~178555~~ 178555

(10) SECONDARY COMPLAINANT? Yes ☒ No ☐ Witnesses? Yes ☐ No ☐

(If "Yes", attach separate sheet of paper.) Taped Interview? Yes ☒ No ☐

Criminal Case Pending in Relation to This Matter? Yes ☐ No ☐

(11) Injuries Claimed? Yes ☒ No ☐ Injuries Visible? Yes ☒ No ☐

Drug/Alcohol Related? Yes ☐ No ☐ Photos Taken? Yes ☐ No ☐ By: Photo Lab ☐ O.C.C.I. ☐

Other: _____

Type of Injury: Death by gunshot wounds (see attached)

Medical Release Signed? Yes ☐ No ☐

0134-15

(12) Activity	(13) Type	(14) DISP	(15) Uniform		(16) Rank	(17) Member's Name & Star Number	(18) Unit	(19) Svc	(20) Sex	(21) Eth
			Yes	No						
				X		Craig Tiffe.#1312			M	
				X		Eric Reboli #1651			M	

Attachment

11. Description of Injury

The San Francisco Police Department's failure to follow it's internal policies, known as SFPD Department General Orders, resulted in the shooting of Amilcar Perez-Lopez, causing his death and financial losses and emotional distress to his family. The two police officers who approached Amilcar Perez-Lopez failed to provide him with an interpreter even though he had limited English proficiency, violating the department's policy to provide free language assistance to LEP individuals. See San Francisco Police Department General order 5.20 - Language Access Services for Limited English Proficient (LEP) persons. Because of their failure to provide language access, Mr. Perez-Lopez was not able to understand their commands and thus, this violation of DGO 5.20 may have contributed to the shooting.

In addition to investigating the language access violation in this incident, the following issues should also be investigated: (1) whether the two officers who approached Amilcar Perez-Lopez clearly displayed their badges, (2) whether they clearly issued commands to Mr. Perez-Lopez and whether they used de-escalation tactics before shooting and killing Mr. Perez-Lopez; (3) whether their interactions with Mr. Perez Lopez were within the limitations imposed on plainclothes officers or were acts of misconduct; and (4) whether they had sufficient justification to use deadly force on Mr. Perez. As a result of these violations Amilcar Perez-Lopez lost his life and is no longer able to provide financial support to his family in Guatemala.

We believe Mr. Perez-Lopez was not stealing a bicycle. But even if this allegation were true, stealing property is not a justification for a lethal use of force. We also believe the shooting and killing Amilcar Perez-Lopez by SFPD officers was not necessary to save anyone from serious injury or death, especially given that, according to eye witness reports, Mr. Perez-Lopez had dropped the knife prior to being shot and was some distance from the other individual involved in the incident.

We request that this complaint be investigated by the civil grand jury, as to why no indictments have been made, so that both sides of the story can be heard.

Complaint Form, Page2

Page 2

(22) NARRATIVE OF INCIDENT:



FROM THE SAN FRANCISCO CHRONICLE March 6, 2015 <http://www.sfgate.com/crime/article/S-F-police-officers-identified-in-fatal-Mission-6120283.php>

San Francisco Police officials released the names Friday evening of two officers who shot and killed a man in the city's Mission District last week.

Officers Craig Tiffe and Eric Reboli were working as plainclothes officers when they responded to reports of a bicycle theft near 24th and Folsom streets around 9:45 p.m. on Feb. 27, police said.

The two officers, who had their badges displayed on the outside of their clothing, encountered Amilcar Perez-Lopez, 21, who was armed and trying to steal a bicycle from another man, according to San Francisco Police Chief Greg Suhr.

Tiffe and Reboli opened fire when Perez-Lopez charged at them with the knife, Suhr said, striking him four times.

He died at the scene.

Neighbors and friends, however, provided a contrasting account of the shooting at a town hall meeting in the Mission on Monday night.

Bill Simpich, a civil rights lawyer who lives across the street from the scene of the shooting collected statements from witnesses who said that Perez-Lopez and the other man knew each other previously and that they were in a dispute over Perez-Lopez's cell phone.

Simpich also said witnesses told him that the officers never identified themselves and that Perez-Lopez, who didn't speak English had dropped the knife before the police started shooting. Both officers were placed on paid administrative leave, as is department policy, and the incident is under investigation by the homicide unit, the Office of Citizen Complaints and the district attorney's office, police said.

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FROM THE SAN FRANCISCO CHRONICLE March 7, 2015 <http://www.sfgate.com/crime/article/Supporters-of-man-killed-by-S-F-police-6121069.php>

Nearly two dozen neighbors, friends and religious leaders gathered one afternoon this week at the spot in the Mission District where a 21-year-old immigrant from Guatemala was fatally shot by two plainclothes San Francisco police officers near his home.

As the vigil closed, The Rev. Paul Gawlowski of St. Paul of the Shipwreck Church went around the circle, asking people what they hoped might emerge from the death of Amilcar Perez-Lopez. "I hope that this can start to break down the adversarial nature of the relationship between the police and the community," said neighbor Zoey Mullery.

"We need an independent review system for police shootings," said Dale Gish, a neighbor and church pastor. "It's an inbred system that does not lead to justice."

Police Chief Greg Suhr held a town hall in the neighborhood after the Feb. 26 shooting, but distrust shadowed Thursday's vigil. Those who knew Perez-Lopez remained confounded by the police account of what happened — that officers interrupted the young man as he tried a knifepoint bike robbery, and had no choice but to shoot him in self-defense.

Conflicting accounts are an enduring thread in police shootings. But Perez-Lopez's supporters said the actions he allegedly took before being shot simply don't square with his reputation as a hardworking construction worker who sent nearly every penny he earned to his homeland to support his parents and three younger brothers.

"I wasn't there when he was shot, but I know the character of this guy, and I told the cops they have the wrong story," said Kevin Born, Perez-Lopez's boss at Ashbury Construction for more than two years. "It's a travesty. This guy's name is being besmirched as a criminal and that is not what he was."

Police called to scene

According to Suhr and other police officials, the fatal confrontation began around 9:45 p.m. on Folsom Street, just off the bustling 24th Street corridor that many consider the heart of the Mission. Police received a call about a man with a knife chasing a second man, the chief said. Perez-Lopez was attempting to steal a bike from the second man, officials said. When two plainclothes officers responded to the scene and ordered Perez-Lopez to drop the knife, he allegedly slashed at one of them, forcing the officers to fire the fatal shots.

"The officers, as they are only allowed to fire in defense of themselves or others, felt that one of those situations was in play," Suhr said the day after the shooting.

Police officials said both officers, Craig Tiffe and Eric Reboli, wore badges on the outside of their clothing.

Account questioned

The account of the shooting has been questioned, however, by Bill Simpich, a civil rights attorney who lives across the street from where Perez-Lopez was shot, and Florencia Rojo, who lives next door.

They said they spoke to witnesses and learned that Perez-Lopez knew the man with the bicycle. He had been antagonizing Perez-Lopez and his roommates for some reason, Simpich said, and had borrowed Perez-Lopez's phone.

Perez-Lopez grabbed the knife to threaten the man and force him to give back his phone, Simpich said, then chased him down 24th Street. He quoted witnesses as saying the two officers had not identified themselves as police as they came up behind Perez-Lopez, who did not speak English.

Simpich said witnesses also recounted that Perez-Lopez had dropped the knife before he was shot. But The Chronicle has been unable to speak to these witnesses, and police have stated repeatedly that the young man was armed with the blade, which was recovered.

Friends speak out

A photograph of the shooting scene shows the alleged victim of the attempted robbery in handcuffs on the sidewalk. Police said he was only briefly cuffed before he was released. Capt. Daniel Perea of Mission Station said the man later thanked him and said the officers had saved his life.

Those who knew Perez-Lopez, who has no known criminal record, said he had no reason to rob anyone.

"He was never the kind of guy who would steal anything," said Eduardo Ramon, 28, a friend and co-worker. "He had a lot of dreams. He was saving money to build a house for his parents back in Guatemala."

Officer Albie Esparza, a police spokesman, said the shooting will be investigated by San Francisco homicide inspectors, as well as the department's internal affairs unit, the district attorney's office and the civilian Office of Citizen Complaints. Ultimately, the district attorney must decide if criminal charges are warranted.

"I know that people want answers quickly," Esparza said. "But we have to take our time to investigate every fact, look at every piece of forensics and talk to every witness."

'I don't trust them'

Some in the community don't trust San Francisco police to look into the actions of the department's own officers, and are asking for a completely independent probe.

"The cops came around to ask me about Amilcar, but I don't really want to talk to them because they could be friends with the ones who shot him," said Ramon. "I don't trust them."

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FROM THE SAN FRANCISCO CHRONICLE March 3, 2015 <http://www.sfgate.com/crime/article/Man-killed-by-S-F-police-didn-t-speak-English-6110102.php>

Neighbors provided a conflicting version of the shooting that killed Amilcar Perez-Lopez, 21, as San Francisco Police Chief Greg Suhr stood by the police account that Perez-Lopez was armed and trying to steal a bicycle from another man when two plainclothes officers encountered him at 24th and Folsom streets about 9:45 p.m. Thursday.

"Lies! Those are lies!" community members shouted at the chief as he tried to speak at a town hall meeting at Cesar Chavez Elementary School.

An hour before the meeting, neighbors and friends of Perez-Lopez gathered in front of the school to relay the details that they had collected.

Neighbors Bill Simpich and Florencia Rojo had been speaking to witnesses and friends since Thursday's shooting.

"None of the witnesses interviewed to date support the police claim that Amilcar ever threatened to steal the bicyclist's bike," Simpich said.

The neighbors said they learned Perez-Lopez and the man police said was the attempted robbery victim knew each other.

The alleged victim had been antagonizing Perez-Lopez and his roommates, Simpich said, because he knew they were facing eviction from their home at 24th and Folsom streets. The

man had borrowed Perez-Lopez's phone earlier that night but refused to give it back and wouldn't let him back in his home, Simpich said.

Perez-Lopez grabbed a knife to threaten the man and force him to give back his phone, Simpich said, and chased him down 24th Street. Witnesses then told Simpich that they saw Perez-Lopez walking from 25th Street to 24th, and two plainclothes officers coming up behind him.

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Simpich said the two men never identified themselves as police officers, and Perez-Lopez had dropped the knife before they began firing at him.

Witnesses said they saw the alleged robbery victim handcuffed on the sidewalk after the shooting, leading them to believe that he, too, was a suspect before police called him a victim. Police said he was only briefly handcuffed before being released. Mission Station Capt. Daniel Perea said he thanked him and said the officers saved his life.

At the meeting, Suhr said the confrontation began when police received a call about a man with a knife chasing a second man. When the two plainclothes officers got close to Perez-Lopez, he slashed the knife at an officer.

The two officers shot Perez-Lopez when he charged at them with the knife raised, Suhr said. "What does a cover-up look like? This is what a cover-up looks like!" the community members chanted at the chief.

"Another one," shouted a fifth-grade student whose mother asked not to be identified. "Another one. You're supposed to protect the people, but what are you doing? You're doing the opposite. You're murdering the people. Shame on you. Shame on you. Shame on you."

The shooting came almost a year after Alex Nieto, a longtime Mission District resident and community organizer, was shot and killed on Bernal Hill. Community members have long disputed the police account of that shooting, and many said they saw the two shootings as part of a nationwide trend of police shooting men of color with little justification.

"Just in L.A. yesterday, they caught on camera the killing of a homeless man. We've seen the cases of Eric Garner, Mike Brown," the Answer Coalition's Frank Lara said before the meeting. "All throughout the city, all throughout the state and the Bay Area, all throughout the country, we're just seeing killing upon killing with police impunity. They never get charged."

During the meeting, a woman brought up that the day after Perez-Lopez was shot and killed, police were able to talk down an armed and barricaded woman who had hurt a man before threatening to harm herself.

"I don't understand why that female is still alive getting help, while Amilcar, Alex and O'Shaine are dead," she said.

0134-15

O'Shaine Evans was shot and killed by San Francisco police near AT&T Park in October. Fernando Quinonez, a friend of Perez-Lopez's, said he was a humble, hardworking man who worked nonstop to provide for his family in Guatemala. He said there was no way he was trying to steal a bicycle.

"When I heard about it, that he was trying to steal a bike, I knew that was a lie," he said. "He's not the kind of person that would do that. He's a really hardworking guy who would go from his job to his house."

Thursday's shooting is under investigation by police and the district attorney's office. Suhr said the names of the officers involved will be released by Friday.

Chronicle staff writer Henry K. Lee contributed to this report.

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(State law passed in 1995 mandates that the following statement be provided to, read and signed by persons filing complaints. The OCC encourages the filing of a complaint by anyone who believes he or she is a victim or a witness of improper police conduct or policies.)

ACKNOWLEDGEMENT OF COMPLAINANT (148.6 P.C.)

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER FOR ANY IMPROPER POLICE CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZENS' COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED FOR AT LEAST FIVE YEARS. IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST AN OFFICER KNOWING THAT IT IS FALSE, YOU CAN BE PROSECUTED ON A MISDEMEANOR CHARGE.

☒ I HAVE READ AND UNDERSTOOD
THE ABOVE STATEMENT.

☐ THE ACKNOWLEDGMENT HAS BEEN
READ TO THE COMPLAINANT.

C. [REDACTED] 3-11-15 3-11-15	Taken By (Name/#/Unit)/Date: 03/11/15 INV. MARY IVAS & Brent Begin
Assigned Investigator/Date: INV. DAVID Aylet 3/27/15	Closure Approval/Date: